

## RESOLUTION NO. A-\_\_\_\_\_

## SPECIAL PERMIT NO. 2031

1 WHEREAS, Pearle F. Finigan has submitted an application designated as  
2 Special Permit No. 2031 for authority to develop Finigan 2nd Addition Community Unit Plan  
3 consisting of four acreage residential units on property located northwest of the intersection  
4 of North 84th Street and Waverly Road, and legally described to wit:

5 The Northeast Quarter of the Southeast Quarter and a portion  
6 of Lot 9 I.T., located in Section 10, Township 11 North, Range  
7 7 East of the 6th P.M., Lancaster County, Nebraska, and more  
8 fully described as follows:

9 Beginning at the north 1/16 corner of the Southeast Quarter of  
10 said Section 10 and extending thence south 89 degrees 18  
11 minutes 40 seconds east, a distance of 1315.75 feet; thence  
12 south 00 degrees 11 minutes 32 seconds east, 2037.56 feet;  
13 thence north 89 degrees 16 minutes 08 seconds west, 50.01  
14 feet; thence south 00 degrees 11 minutes 32 seconds east,  
15 550.07 feet; thence south 89 degrees 16 minutes 08 seconds  
16 east, 1249.56 feet; thence south 00 degrees 11 minutes 32  
17 seconds east, 1268.33 feet; thence south 89 degrees 17  
18 minutes 24 seconds east, 16.13 feet; thence north 00 degrees  
19 11 minutes 43 seconds west, 1318.34 feet to the point of  
20 beginning, containing an area of 77.032 acres more or less;

21 WHEREAS, the real property adjacent to the area included within the site  
22 plan for this community unit plan will not be adversely affected; and

23 WHEREAS, said site plan together with the terms and conditions hereinafter  
24 set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal  
25 Code to promote the public health, safety, and general welfare.

26 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of

Lincoln, Nebraska:

That the application of Pearle F. Finigan, hereinafter referred to as "Permittee", to develop Finigan 2nd Addition Community Unit Plan consisting of four dwelling units, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves four single family lots and the following waivers:

- a. A waiver to the sidewalk, street lights, landscape screen, stormwater detention and street tree land subdivision requirements since the area is of larger lots, rural in nature, and the subdivision will not be annexed.
- b. A modification to the land subdivision requirements to permit a block length in excess of 1320' along the north, south, east, and west perimeter of this subdivision.
- c. A waiver of the AG Agricultural District setback requirements as shown on the final plan.
- d. A waiver of the AG Agricultural District 20 acre minimum lot area requirement to allow the clustering of three acre lots.

2. Before receiving building permits:

- a. The Permittee must submit an acceptable, revised, and reproducible final plan.

- b. The Permittee must submit six prints and a permanent reproducible final site plan as approved by the City Council.
- c. The construction plans must conform to the approved plans.
- d. Final Plats within the area of this special permit shall be approved by the City/County Board.
- e. The required easements as shown on the site plan must be recorded with the Register of Deeds.
- f. The County Board must approve the following associated requests:
  - i. Finigan 2nd Addition Preliminary Plat #03007.
  - ii. County Special Permit 204.
  - iii. The County Engineer has approved an agreement for street maintenance.
  - iv. A waiver to the sidewalk, street lights, landscape screen, stormwater detention and street tree land subdivision requirements since the area is of larger lots, rural in nature, and the subdivision will not be annexed.
  - v. A modification to the land subdivision requirements to permit a block length in excess of 1320' along the north, south, east, and west perimeter of this subdivision.
  - vi. A waiver of the AG Agricultural District setback requirements as shown on the final plan.
  - vii. A waiver of the AG Agricultural District 20 acre

1 minimum lot area requirement to allow the clustering of  
2 three acre lots.

3 3. Before occupying this community unit plan, all development and  
4 construction must be completed in conformance with the approved plans.

5 4. Before occupying this community unit plan, the City/County Health  
6 Department must approve the water and waste water systems.

7 5. All privately-owned improvements must be permanently maintained  
8 by the owner or an appropriately established homeowners association approved by the City  
9 Attorney.

10 6. The site plan approved by this permit shall be the basis for all  
11 interpretations of setbacks, yards, locations of buildings, location of parking and circulation  
12 elements, and similar matters.

13 7. The terms, conditions, and requirements of this resolution shall be  
14 binding and obligatory upon the Permittee, successors, and assigns. The building official  
15 shall report violations to the City Council which may revoke the special permit or take such  
16 other action as may be necessary to gain compliance.

17 8. The Permittee shall sign and return the City's letter of acceptance to  
18 the City Clerk within 30 days following approval of the special permit, provided, however,  
19 said 30-day period may be extended up to six months by administrative amendment. The  
20 City Clerk shall file a copy of the resolution approving the special permit and the letter of  
21 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the  
22 Permittee.

Introduced by:

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2004:

\_\_\_\_\_  
Mayor